
OLR Bill Analysis

sHB 5761

AN ACT CONCERNING NOTIFICATION TO POTENTIAL AND EXISTING NURSING HOME OWNERS.

SUMMARY:

This bill requires the Department of Public Health (DPH) to prepare a written application form for changes in nursing home ownership that includes a statement notifying the potential nursing home licensee or owner that he or she may be held criminally liable for abuse or neglect of a resident by a nursing home employee. Specifically, it requires the following statement to be placed at the top of the first application page in at least 18-point boldface type:

“NOTICE: Any nursing home licensee, owner, or officer, including but not limited to, a director, trustee, limited partner, managing partner, general partner, or any person having at least a 10% ownership interest, and any administrator, assistant administrator, medical director, director of nursing or assistant director of nursing, may be subject to criminal liability, in addition to civil and administrative sanctions under federal and state law, for the abuse or neglect of a resident of the nursing home perpetrated by an employee of the nursing home.”

The bill also requires DPH to prepare and provide a written copy of the above statement to any person issued a DPH license to establish, conduct, operate, or maintain a nursing home in the state as of October 1, 2013. This notice must be printed in at least 18-point bold face type and provided to licensees by January 1, 2014.

The bill specifies that the notification statement does not expand or otherwise affect any existing statutory liability of nursing home owners or licensees for the neglect or abuse of residents.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***DPH Applications for Nursing Home Ownership Changes***

By law, DPH must approve changes in nursing home ownership. The prospective owner's or licensee's written application must include whether the potential nursing home licensee or owner (1) has had civil penalties for nursing home violations imposed by DPH or another state during any two-year period or (2) received intermediate Medicare or Medicaid sanctions or had provider agreements for these programs terminated or not renewed. The law prohibits the DPH commissioner from approving an application to acquire a nursing home for a five-year period if any of these conditions are present, unless good cause is shown (CGS § 19a-528a).

Evaluation Period for New Licensees

If a person has not previously operated a nursing home in Connecticut, DPH can institute an "evaluation period" of up to five years from the time of initial licensure in order to assess the standard of care the nursing home provides. During this evaluation period, the person is prohibited from acquiring any additional nursing homes (CGS § 19a-493a).

COMMITTEE ACTION**Aging Committee**

Joint Favorable Change of Reference

Yea 11 Nay 0 (02/14/2013)

Public Health Committee

Joint Favorable

Yea 21 Nay 7 (03/11/2013)